IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.100 OF 2003
WITH
CIVIL APPLICATION NO.38 OF 2005

Tresa Mathew John. ..Petitioner.

V/s.

Special Recovery Officer (Grade-I)
& Ors. ..Respondents.

Mr.M.V.Holmagi for petitioner.

Mr.D.A.Patil, AGP for respondent-State.

Mr.V.A.Almeida for respondent Nos. 2, 4 and 5.

CORAM: A.M.KHANWILKAR,J

DATE : JUNE 28, 2006.

P.C. :

1. Heard.

2. The only grievance made in this petition is about possible breach of direction given by this Court that the Society shall not dispossess the petitioner from the suit flat. This apprehension is founded on the recovery proceedings initiated by the Society on the basis of letter dated 17th February, 2003 issued under the signature of Special Recovery Officer-Grade-I. Indeed, the letter mentions that the recovery of the awarded dues will be done by coercive process, if steps are not taken to pay the

amount. There is no threat of dispossession, which is spelt out from this letter.

3. Counsel appearing for the Society states across the bar on instruction that the Society has no intention to dispossess the petitioner. If it is so, the order passed by this court on 4th December, 2001 will not preclude the Society to take recourse to recover the amount as per provision of law except to ensure that the petitioner is not dispossessed from the disputed premises. That option is open to the Society. It is therefore, not a case for willful disobedience, which invites intervention of this court. Hence dismissed. Notice issued by this court is discharged.